IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.85 OF 2004
IN
SUMMARY SUIT NO.2658 OF 2003

Sicom Ltd. ....Plaintiff

V/s.

Kailashchand Chamarai & Anr. ....Defendants

Mr.Prakash Panjabi for the Plaintiff.

None for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 19TH JANUARY, 2005.

P.C. :

1. The suit is filed to recover a sum of Rs.2,24,09,857/- together with interest. The claim is based on the suit guarantee executed by the Defendants (Exhibit "D" to the plaint). As per clause 1 thereof, the Defendants have agreed to repay the loan amount of Rs.50.00 lacs lent and advanced by the Plaintiff to the principal borrower together with interest.

2. The Plaintiff by its letter dated 28th April, 2000 demanded repayment of a sum of Rs.1,27,25,644/-

together with principal and interest. There is no reply to the said notice.

3. The suit was filed only on 6th June, 2003 as prior thereto the reference under Section 22 of the Sick Industrial Companies Act was pending before the B.I.F.R.

4. No affidavit in reply has been filed. There is no defence to the suit.

5. In the circumstances, the Summons for Judgment is made absolute with costs. However, the interest after the date of the suit shall be at the rate of 12% p.a. only on Rs.50.00 lacs.

. Refund as per rules.

. For the purpose of refund of the court fees, parties including the Prothonotary and Senior Master are requested to act on an ordinary copy of this order duly authenticated by the Associate/Court Stenographer of this Court.